

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-7364**

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HERBERT ALONZO ROBINSON,

Plaintiff - Appellant,

versus

BILLY A. GREEN; MS. KERCHEK; SHERYL WEST;  
PENNY HAMBURG; MS. WEINRICH; VICTORIA  
WILLIAMS; MS. BAKER; MR. LECHENY; MS. GIBSON,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Charleston. R. Bryan Harwell, District Judge.  
(CA-04-1262-2-27AJ)

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Submitted: November 22, 2005

Decided: December 7, 2005

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Before MOTZ, TRAXLER, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Herbert Alonzo Robinson, Appellant Pro Se. Robert Holmes Hood,  
Robert Holmes Hood, Jr., Roy Pearce Maybank, Daniel Merritt  
Bradley, Elloree A. Ganes, HOOD LAW FIRM, Charleston, South  
Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Herbert Alonzo Robinson appeals the dismissal without prejudice of his pro se 42 U.S.C.A. § 1983 (West Supp. 2001) complaint. The district court adopted the recommendation of the magistrate judge and dismissed Robinson's complaint for failure to demonstrate adequately that he had exhausted his administrative remedies. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). Because Robinson may be able to save this action by adequately demonstrating exhaustion, the order which Robinson seeks to appeal is not an appealable final order. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064 (1993). Accordingly, we dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED